

## 21 C.J.S. Courts § 314

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### Courts

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### IX. Court Commissioners

#### A. Nature of Office, Appointment, Qualification, and Tenure

### § 314. Compensation of court commissioner

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Court Commissioners](#)  2

**Where a statute authorizes the court to award such compensation to the court commissioner as it deems just and proper, a wide discretion is vested in the court.**

Where the governing statute so provides, the commissioner's salary is to be a percentage of the salary of the judge of the court for which he or she is a commissioner.<sup>1</sup> Where there is no prescribed standard upon which to base the compensation to be allowed, except that it must be such as the court deems just and proper, a wide discretion is vested in the court.<sup>2</sup> The standard of judicial salaries is not necessarily to be followed in fixing such compensation but in every case it ought to depend upon the character of the services, the amount involved, and the ability and standing of the commissioner.<sup>3</sup>

Under a statute so providing, where a commissioner of the court is appointed to sell tracts of land, the judge or clerk of the court is to fix and order the payment of the commissioner's compensation

out of the proceeds of the sale although the commissioner may appeal the decision fixing the rate of compensation.<sup>4</sup>

***Retirement allowances.***

Court commissioners may qualify for retirement allowances under provisions of a retirement fund act for public employees.<sup>5</sup>

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**Footnotes**

- 1 Cal.—*Harris v. Bloodgood*, 132 Cal. App. 3d 477, 183 Cal. Rptr. 193 (2d Dist. 1982).
- 2 Wyo.—*Weltner v. Thurmond*, 17 Wyo. 310, 98 P. 601 (1908).
- 3 Wyo.—*Weltner v. Thurmond*, 17 Wyo. 310, 98 P. 601 (1908).
- 4 N.C.—*Goodson v. Goodson*, 145 N.C. App. 356, 551 S.E.2d 200 (2001).
- 5 Wis.—*State ex rel. Sheets v. Fay*, 54 Wis. 2d 642, 196 N.W.2d 651 (1972).